

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ALLEN DONNELL STANLEY,

Petitioner,

v.

MCCONNELL,

Respondent.

Case No. 3:20-cv-00841-JE

ORDER

IMMERGUT, District Judge.

On August 10, 2020, Magistrate Judge John Jelderks issued his Findings and Recommendation (“F&R”), ECF 3. The F&R recommends that this Court dismiss Petitioner Allen Donnell Stanley’s Petition for Writ of Habeas Corpus, ECF 1, without prejudice for improper venue. No party filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or

recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Jelderks’s conclusions. The F&R, ECF 3, is adopted in full. Petitioner’s claims are DISMISSED without prejudice for improper venue. *See Hernandez v. Campbell*, 204 F.3d 861, 865 (9th Cir. 2000) (“[A] habeas petition filed pursuant to § 2241 must be heard in the custodial court.”).

IT IS SO ORDERED.

DATED this 3rd day of September 2020.

/s/ Karin J. Immergut

Karin J. Immergut
United States District Judge